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and JAMES B. BOYD

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SAN JOSE DIVISION

E-FILED - 6/7/05

In re ESS TECHNOLOGY, INC.
SECURITIES LITIGATION

Master File No. C-02-4497-RMW

CLASS ACTION

This Document Relates To:
ALL ACTIONS.

**STIPULATION RE: BRIEFING
SCHEDULE AND HEARING DATE ON
MOTION FOR CLASS
CERTIFICATION; AND ORDER
THEREON**

RECITALS

1. **Whereas**, Plaintiffs filed a motion for class certification ("Motion") and scheduled a hearing thereon in this Court for July 22, 2005;
2. **Whereas**, pursuant to the parties' March 22, 2005 stipulation and the Court's April 4, 2005 Order, Defendants' Opposition to the Motion was due May 20, 2005 and Plaintiff's Reply was due July 5, 2005;
3. **Whereas**, Defendants were delayed in serving class certification discovery requests on Plaintiffs until May 13, 2005 due to the death of the parents of Defendants' lead counsel;
4. **Whereas**, the Court notified the parties that the hearing on the Motion would be reset for July 29, 2005;

1 5. **Whereas**, Plaintiffs and Defendants contacted the Court on May 16, 2005 to
2 advise the Court that they intended to file a stipulation and seek an Order rescheduling the
3 hearing;

4 6. **Whereas**, Defendants are conducting discovery to assist them in opposing the
5 Motion;

6 7. **Whereas**, Plaintiffs and Defendants have met and conferred regarding an
7 appropriate briefing schedule for the Motion;

8 **STIPULATION OF THE PARTIES**

9 **THEREFOR**, Plaintiffs and Defendants, by and through their respective counsel
10 of record, hereby stipulate and agree as follows:

- 11 1. The hearing on the motion for class certification will be October 28, 2005.
12 2. Defendants shall file their opposition papers on or before September 1, 2005.
13 3. Plaintiffs shall file any reply papers on or before October 14, 2005.

14
15 DATED: June 1, 2005

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP

17 By: /s/ Luke O. Brooks
18 Luke O. Brooks
19 Attorneys for Plaintiffs

20 DATED: June 1, 2005

O'Melveny & Myers LLP

21 By: /s/ Joshua D. Baker
22 Joshua D. Baker

23 Attorneys for ESS Technology, Inc.,
24 Robert L. Blair, Patrick Ang, Frederick S. L.
25 Chan, and James B. Boyd
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ORDER

The Court, having considered the recitals and stipulation of the parties, and good cause appearing therefor, **IT IS HEREBY ORDERED** as follows:

1. The hearing on Plaintiffs' motion for class certification will be October 28, 2005.
2. Defendants shall file their opposition papers on or before September 1, 2005.
3. Plaintiffs shall file any reply papers on or before October 14, 2005.

DATED: June 7, 2005

/s/ Ronald M. Whyte

United States District Court Judge